

### **REMARKS**

This amendment is responsive to the Office Action mailed February 13, 2008. Claims 20-43 stand rejected. Applicants respectfully request reconsideration in view of the following Remarks.

#### **Rejections under 35 USC §102(b))**

Claims 20, 21, 24-27, 29-32, 36, 37 and 40-42 stand rejected under 35 USC §102(b) as being anticipated by Han (U.S. Patent No. 6,241,781), Urban (U.S. Patent No. 3,335,584), or Tafel (U.S. Patent No. 1,979,504).

Claim 20 recites:

A fluid-dispenser device for a washing machine having a wash basket rotatable about a vertical axis **and defining radii extending in a horizontal plane relative to a circumference in correspondence with respect to said wash basket**, the device comprising:

at least two ports positioned **along a common radius** and on a common horizontal plane to direct respective jets of fluid into a wash basket, each of the jets having a generally parallel relationship with respect to one another.

Claim 36 is a method claim including similar claim elements and will therefore be discussed together with claim 20. Examiner's attention is drawn to Applicants' Paragraph [030] and Fig. 3 in which aspects of claims 20 and 36 are illustrated. In particular, parallel outlet ports 220 and 222 situated **along a common wash basket radius 224** are shown. Applicants particularly note that the radii, including the common radius, recited in the claims at issue are recited to be defined by the wash basket, meaning that the radii radiate from the center of the wash basket. Applicants submit that the prior art relied upon does not teach each and every element of claims 20 and 36.

In the rejection, the Examiner stated that Han, Urban, and Tafel each illustrate "at least two ports positioned along a common radius...to direct respective jets of fluid into a wash basket." Applicants respectfully submit that none of these references teach, suggest, or disclose ports positioned along a common radius of the wash basket.

In Han Fig. 5, ejection holes 43a are illustrated through which water/fluid is

directed into rotating wash tub 21. Figure 1 of this Response reproduces Han's Figure 5, with added radii R1, R2, R3, R4 to illustrate that there are no ports situated along a common radius of the tub, as recited in the instant claims.

In Urban, a channel 64 extending **circumferentially** about a basket opening 62 is provided with a plurality of spaced apart outlet openings 90 situated along the channel, through which openings fluid is ejected into the basket. See Fig. 2 of Urban, and its corresponding description in col. 3, lines 19 et seq. It is clear from this figure and description that the openings are **arranged along the circumference of the basket such that the holes do not share a common radius**.

In Tafel, a nozzle 22 contains several slots 25 through which fluid issues in fan-shaped sprays. Lines 79-92. These slots are not situated along a common radius of wash basket 13, as demonstrated in Figure 2 of this Response (reproducing Tafel's Fig. 3 with radii R1-R4 added for illustration).

For at least the reasons set forth above, Applicants submit that each and every element of claims 20 and 36 are not taught or otherwise suggested by any of the three applied references. Furthermore, as claims 21, 24-27, and 29-32 depend from claim 20 and claims 37 and 40-42 depend from claim 36, Applicants submit that these claims are similarly not anticipated for at least the same reasons. Applicants therefore request that the rejections to all of these claims be removed.

#### **Rejections under 35 USC §103(a)**

In paragraphs 4-7 of the Office Action, a number of claims dependent from claims 20 or 36 were rejected as being unpatentable over Han, Urban, or Tafel, in combination with various secondary references. However, these applied references fail to remedy the above-described shortcomings of the primary references Han, Urban, and Tafel. That is, whether alone or in combination with the primary references, none of the references teach each and every element of claims 20 or 36. Accordingly, Applicants submit that the claims rejected in Office Action paragraphs 4-7 are allowable over the respective applied combinations for at least the same reasons set forth above with respect to claims 20 and

36, due to their dependency from these independent claims.

Claims 20-22, 24-26, 29, 32-37, and 40-42 were rejected as being unpatentable over either Franklin (US Patent No. 2,054,797; hereinafter “Franklin”) or Pastryk et al. (US Patent No. 4,986,093; hereinafter “Pastryk”) in view of Van Dornick (US Patent No. 2,635,447; hereinafter “Dornick”). Applicants respectfully traverse this rejection.

The applied combination fails to teach, suggest, or disclose at least the element of “at least two ports positioned along a common radius” as recited in independent claims 20 and 36. Again, it is noted that the radii recited in these claims are radii defined by the wash basket, and that this definition includes the common radius recited in the claims.

The Examiner notes that both Franklin and Pastryk fail to teach at least two ports positioned along a common radius, and for this reason Dornick is cited. However, Dornick also fails in this respect. The ports 26 of Dornick are not positioned along a common radius. In fact, it is clear from Figure 2 of Dornick that the ports 26 are positioned along the **circumference** of the assembly, such that each individual port lies along a **unique radius** defined by the tub 7. Thus there is no teaching, suggestion, or disclosure found in any of these references, alone or in combination, that would lead one of ordinary skill in the art to the design recited in the instant claims. Applicants respectfully submit that these rejected claims are thus patentably distinct from the applied combination.

In paragraphs 9-11 of the Office Action, a number of claims dependent from claims 20 or 36 were rejected as being unpatentable over Franklin/Pastryk in view of Dornick (see above), in further combination with various secondary references. However, these applied references fail to remedy the above-described shortcomings of the (Franklin or Pastryk) / Dornick combination. That is, whether alone or in combination with the primary references, none of the references teach each and every element of claims 20 or 36. Accordingly, Applicants submit that the claims rejected in Office Action paragraphs 9-10 are allowable over the respective applied combinations for at least the same reasons set forth above with respect to claims 20 and 36, due to their dependency from these independent claims.

In view of the foregoing amendments and for the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested. Should the Examiner believe that anything further is needed to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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